

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

Tyjuan Devon Gray,

Petitioner, Case No. 19-11288

v.

Warden, Dodge Correctional
Institution,

Judith E. Levy
United States District Judge

Mag. Judge Mona K. Majzoub

Respondent.

/

**ORDER STRIKING PETITIONER'S MOTION FOR RELIEF
FROM JUDGMENT [4]**

Habeas Petitioner Tyjuan Devon Gray, incarcerated at a Wisconsin Correctional Facility, brought this action seeking to challenge an unspecified Wayne County, Michigan conviction. (ECF No. 1.) The petition was summarily dismissed without prejudice because Petitioner did not first seek relief in the Michigan Courts. (ECF No. 2.) The Court's order notified Petitioner that prior to filing a habeas petition, he must

first present his claims to the state courts in the form of a motion for relief from judgment. (*Id.* at PageID.18–19.)

On August 8, 2019, Petitioner filed a state law motion for relief from judgment in this Court. (ECF No. 4.) Petitioner prepared his motion using the state-court motion for relief from judgment form. Petitioner does not specify whether he filed this motion to inform the Court that is he is pursuing state-court relief or whether he mistakenly filed his motion in this Court instead of the Wayne Circuit Court. In either event, Petitioner's motion does not seek relief from this Court.

“[T]rial courts have inherent power to control their dockets,” *Anthony v. BTR Auto. Sealing Sys., Inc.*, 339 F.3d 506, 516 (6th Cir. 2003), including determining whether to strike documents, *see ACLU v. McCreary Cty.*, 607 F.3d 439, 451 (6th Cir. 2010). Accordingly, the Court strikes Petitioner's motion for relief from Judgment (ECF No. 4).

IT IS SO ORDERED.

Dated: February 18, 2020
Ann Arbor, Michigan

s/Judith E. Levy
JUDITH E. LEVY
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on February 18, 2020.

s/William Barkholz
WILLIAM BARKHOLZ
Case Manager